

Exhibit 11

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS (213113)
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
shawnw@rgrdlaw.com

– and –

PAUL J. GELLER (Admitted *pro hac vice*)
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)
pgeller@rgrdlaw.com

LABATON SUCHAROW LLP
JOEL H. BERNSTEIN (Admitted *pro hac*
vice)
140 Broadway
New York, NY 10005
Telephone: 212/907-0700
212/818-0477 (fax)
jbernstein@labaton.com

EDELSON PC
JAY EDELSON (Admitted *pro hac vice*)
350 North LaSalle Street, Suite 1300
Chicago, IL 60654
Telephone: 312/589-6370
312/589-6378 (fax)
jedelson@edelson.com

Attorneys for Plaintiffs

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC
INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

) PLAINTIFFS' INITIAL DISCLOSURES
) PURSUANT TO FEDERAL RULE OF
) CIVIL PROCEDURE RULE 26(a)(1)

This Document Relates To:

ALL ACTIONS.

1 **I. Introduction**

2 Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, plaintiffs hereby make the
 3 following initial disclosures. These disclosures are made without waiver of, or prejudice to, any
 4 objections now or at any future time. Plaintiffs expressly reserve all objections, including, but not
 5 limited to: (i) relevance; (ii) attorney-client privilege; (iii) work-product protection; (iv) privacy;
 6 (v) any other applicable privilege or protection under federal or state law; (vi) undue burden;
 7 (vii) materiality; (viii) over breadth; and (ix) the admissibility in evidence of these initial disclosures
 8 or the subject matter thereof. Plaintiffs' investigation is ongoing, and plaintiffs reserve the right to
 9 supplement or amend these disclosures as needed.

10 **II. Individuals and Entities Likely to Have Discoverable Information**

11 Plaintiffs hereby submit that the individuals and entities listed below are likely to have
 12 discoverable information. This list is not exhaustive. Other individuals and entities may be
 13 discovered to have information relevant to this action. These disclosures are made based upon
 14 information reasonably available to plaintiffs at this time without prejudice to plaintiffs' right to
 15 identify or rely on facts discovered as the case proceeds. Plaintiffs incorporate any other individuals
 16 or entities identified by any other party to this litigation.

17 1. **Plaintiff Nimesh Patel.** Plaintiff Nimesh Patel may only be contacted through his
 18 counsel, Shawn A. Williams, Robbins Geller Rudman & Dowd LLP, Post-Montgomery Center, One
 19 Montgomery Street, Suite 1800, San Francisco, California 94104; Tel: (415) 288-4545, Fax: (415)
 20 288-4534. Plaintiff has knowledge of certain matters alleged in the Consolidated Class Action
 21 Complaint (the "Complaint"), including his interaction with Facebook, Inc. ("Facebook") through
 22 his account to include the presence of photographs on Facebook, and the absence of his informed
 23 written consent as it relates to his faceprint or scan of face geometry being collected and stored by
 24 Facebook.

25 2. **Plaintiff Adam Pezen.** Plaintiff Adam Pezen may only be contacted through his
 26 counsel, Joel H. Bernstein, Labaton Sucharow LLP, 140 Broadway, New York, New York 10005;
 27 Tel: (212) 907-0700, Fax: (212) 818-0477. Plaintiff has knowledge of certain matters alleged in the
 28 Complaint, including his interaction with Facebook through his account to include the presence of

1 photographs on Facebook, and the absence of his informed written consent as it relates to his
2 faceprint or scan of face geometry being collected and stored by Facebook.

3 **3. Plaintiff Carlo Licata.** Plaintiff Carlo Licata may only be contacted through his
4 counsel, Alexander T.H. Nguyen, Edelson PC, 350 North LaSalle, Suite 1300, Chicago, Illinois
5 60654; Tel: (312) 589-6370, Fax: (312) 589-6378. Plaintiff has knowledge of certain matters alleged
6 in the Complaint, including his interaction with Facebook through his account to include the
7 presence of photographs on Facebook, and the absence of his informed written consent as it relates
8 to his faceprint or scan of face geometry being collected and stored by Facebook.

9 **4. Agents and employees of Facebook, Inc.** Agents and employees of defendant
10 Facebook, Inc. likely have knowledge of certain matters alleged in the Complaint, including the
11 collection and storage of plaintiffs' faceprints through Tag Suggestions and other means without
12 informed written consent.

13 **5. Customers, competitors, licensees, and business partners of Facebook, Inc.**
14 Customers, competitors, licensees, and business partners of defendant Facebook, Inc. likely have
15 knowledge of certain matters alleged in the Complaint, including the collection, storage, and sale of
16 plaintiffs' faceprints through Tag Suggestions and other means without informed written consent.

17 **III. Documents and Tangible Things in Plaintiffs' Possession**

18 Plaintiffs have within their possession, custody, and control, including through counsel, the
19 following documents and tangible things that may support their claims or defenses:

- 20 1. Documents referenced in the Complaint.

21 **IV. Computation of Damages**

22 Individually and on behalf of the proposed class, plaintiffs seek statutory damages of up to
23 \$5,000 per violation under the Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.*, as well as
24 punitive damages, reasonable attorneys' fees and costs, and injunctive relief necessary to ensure that
25 defendant's unlawful conduct does not continue.

1 **V. Insurance Agreements**

2 Plaintiffs do not have any insurance policies related to this action.

3 DATED: January 11, 2016

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS
DAVID W. HALL

4
5
6
7 
SHAWN A. WILLIAMS

8 Post Montgomery Center
9 One Montgomery Street, Suite 1800
10 San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

11 ROBBINS GELLER RUDMAN
12 & DOWD LLP
13 PAUL J. GELLER*
14 STUART A. DAVIDSON*
15 MARK DEARMAN*
16 CHRISTOPHER C. MARTINS*
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

17 ROBBINS GELLER RUDMAN
18 & DOWD LLP
19 TRAVIS E. DOWNS III
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

20 LABATON SUCHAROW LLP
21 JOEL H. BERNSTEIN*
22 CORBAN S. RHODES*
23 ROSS M. KAMHI*
140 Broadway
New York, NY 10005
Telephone: 212/907-0700
212/818-0477 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDELSON PC
JAY EDELSON*
ALEXANDER T.H. NGUYEN*
350 North LaSalle Street, Suite 1300
Chicago, IL 60654
Telephone: 312/589-6370
312/589-6378 (fax)

Attorneys for Plaintiffs

* = Admitted *pro hac vice*

DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is Post Montgomery Center, One Montgomery Street, Suite 1800, San Francisco, California 94104.

2. That on January 11, 2016, declarant served PLAINTIFFS' INITIAL DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE RULE 26(a)(1) by e-mail and by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed below:

John Nadolenco	Mayer Brown LLP 350 South Grand Ave., 25th Floor Los Angeles, CA 90071-1503 jnadolenco@mayerbrown.com
Lauren R. Goldman	Mayer Brown LLP 1221 Avenue of the Americas New York, NY 10020 lrgoldman@mayerbrown.com
Archis A. Parasharami	Mayer Brown LLP 1999 K Street, N.W. Washington, DC 20006-1101 aparasharami@mayerbrown.com

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 11, 2016, at San Francisco, California.


ADRIANA DEL CARMEN